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Message Text

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ACTION IO-13

INFO OCT-01 EUR-12 ISO-00 ACDA-07 CIAE-00 DODE-00
PM-04 INR-07 L-03 NSAE-00 NASA-01 NSC-05 ERDA-05
SS-15 OES-07 CCO-00 OTPE-00 EB-07 FCC-01 OC-06
USIA-06 COME-00 BIB-01 SSO-00 IOE-00 INRE-00
NSCE-00 /101 W
----------231910Z 009871 /40
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 3704
INFO AMEMBASSY LONDON

C O N F I D E N T I A L USUN 1608

E.O. 11652: GDS
TAGS: UN, TSPA
SUBJECT: BRITISH NOTE ON DIRECT BROADCAST SATELLITES DISCUSSIONS

1. ON INSTRUCTIONS DALTON OF UKUN HAS PASSED US A BRITISH PROPOSAL THAT CONSULTATIONS BE HELD IN LONDON ON IMMEDIATELY AFTER 8 JUNE PREPARATORY TO DIRECT BROADCAST SATELLIETE GUIDELINES NEGOTIATIONS THAT MAY TAKE PLACE DURING THE 20 JUNE-1 JULY VIENNA SESSION OF THE OUTER SPACE COMMITTEE.

2. THERE FOLLOWS TEXT OF ACCOMPANYING HMG AIDE-MEMOIRE ON THIS SUBJECT, WHICH BRITISH ARE ALSO GIVING TO GOVERNMENTS OF AUSTRALIA, AUSTRIA, BELGIUM, FRG, FRANCE, ITALY, JAPAN AND SWEDEN.

"AIDE-MEMOIRE

DIRECT TELEVISION BROADCASTING BY SATELLITE (DTBS)

1. THE UN COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE (UNCPUOS) WILL BE MEETING IN VIENNA FROM 20 JUNE TO 1 JULY. FOLLOWING THE MEETING OF THE LEGAL SUB-COMMITTEE OF UNCPUOS IN NEW YORK EARLIER
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THIS YEAR, AND IN THE LIGHT OF GENERAL ASSEMBLY RESOLUTION NO 31/8, IT IS EXPECTED THAT DTBS WILL BE ONE OF THE MAJOR ITEMS TO BE DISCUSSED AT VIENNA AND THAT THERE WILL BE PRESSURE TO BRING DISCUSSION ON THE PRINCIPLES GOVERNING DTBS TO A CONCLUSION WITH A VIEW TO A POSSIBLE GENERAL ASSEMBLY RESOLUTION LATER THIS YEAR.

2. IN THE DISCUSSIONS ON DTBS THE UNITED KINGDOM'S POLICY HAS

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BEEN NOT TO GIVE ANYTHING AWAY OVER DTBS THAT MIGHT COMPROMISE THE GENERAL WESTERN POSITION ON THE FREE FLOW OF INFORMATION ACROSS FRONTIERS AND THE RIGHT OF INDIVIDUALS TO RECEIVE IT. IN ADDITION, THE RESULTS OF THE WORLD ADMINISTRATIVE RADIO CONFERENCE (WARC 77) WHICH MET IN JANUARY MAKE IT POSSIBLE TO ARGUE THAT, APART FROM A FEW CASES WHERE THE STATES CONCERNED HAVE AGREED TO COMMON BEAMS, DELIBERATE STATE TO STATE TELEVISION BROADCASTING BY SATELLITE IS ILLEGAL AND FOR TECHNICAL REASONS NOT A PRACTICAL POSSIBILITY (THE UK SUBMITTED A WORKING PAPER ON THIS SUBJECT TO THE LEGAL SUB-COMMITTEE IN MARCH). NEVERTHELESS IT CAN BE ARGUED THAT THERE IS NOW GREAT PRESSURE, MAINLY FROM COMMUNIST AND THCID-WORLD COUNTRIES, FOR SOME FORM OF POLITICAL PRINCIPLE RELATING TO PRIOR CONSENT FOR DTBS. WHILE THEREFORE THE UK HAS BEEN AND REMAINS OF THE VIEW THAT THERE IS NO REQUIREMENT FOR A PRINCIPLE ON CONSENT OR LICENSING AND IS UNABLE TO ACCEPT THE FORMULAE ON CONSENT AND PARTICIPATION KNOWN AS ALTERNATIVE "A" AND ALTERNATIVE "B", IT IS PREPARED TO EXAMINE CAREFULLY THE COMPROMISE TEXT ON "CONSULTATION AND AGREEMENTS BETWEEN STATES" WHICH EMERGED AT THIS YEAR'S SESSION OF THE LEGAL SUB-COMMITTEE. HOWEVER, EVEN THIS COMPROMISE TEXT WOULD ONLY BE SATISFACTORY IF THE PRINCIPLES AS A WHOLE TOOK ACCOUNT OF THE FOLLOWING POINTS:-

A. COMMISSION OF ANY DRAFT PRINCIPLES ON "PROGRAMME CONTENT" AND "UNLAWFUL/INADMISSIBLE BROADCASTS", AND DELETION OF THE EXISTING DRAFT PRINCIPLE ON "DUTY AND RIGHT TO CONSULT":

B. INCLUSION IN PARAGRAPH 1 OF THE COMPROMISE PRINCIPLE OF CERTAIN TECHNICAL PHRASES, AT PRESENT IN SQUARE BRACKETS, WHICH LIMIT ITS SCOPE:

C. INCLUSION IN PARAGRAPH 3 OF THE COMPROMISE PRINCIPLE OF LANGUAGE WHICH WOULD MAKE IT CLEAR THAT OVERSPILL PERMITTED

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IT ITU PROVISIONS WAS NOT COVERED BY THE SCOPE OF THE PRINCIPLE:

$. INCLUSION IN THE PREAMBLE OF REFERENCE TO THE IMPORTANCE OF THE FREE FLOW OF INFORMATION AND TO THE UNIQUE CHARACTER-ISTICS OF DTBS WHICH MAKE THE PRINCIPLES APPLICABLE SOLELY TO IT (THIS IS PARTICULARLY IMPORTANT AS PREVENTING IT BEING ARGUED SUBSEQUENTLY THAT WHAT WAS AGREED IN THE DTBS CONTEXT SHOULD BE APPLIED TO OTHER TYPES OF BROADCASTING).

3. IT IS NOT YET CLEAR TO THE UK WHETHER THERE IS IN FACT SCOPE FOR REACHING FINAL AGREEMENT ON THE PRINCIPLES AT VIENNA. NOT ENOUGH IS KNOWN ABOUT THE READINESS OF THE COMMUNIST AND THIRD-WORLD COUNTRIES TO ACCEPT A COMPROMISE ON THE LINES DESCRIBED IN THE PREVIOUS PARAGRAPH.

4. AGAINST THIS BACKGROUND, THE UK SUGGESTS THAT THE WESTERN COUNTRIES REPRESENTED AT UNCPUOS WILL NEED TO ASSESS THE LIKELY CHANCES OF REACHING AGREEMENT IN VIENNA. IF AGREEMENT SEEMS ATTAINABLE, THEN IT IS TO THE ADVANTAGE OF THE WESTERN COUNTRIES

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TO WORK FOR A COMPROMISE AS SUGGESTED ABOVE, BUT WITHOUT CONCEDING ANYTHING FURTHER THAT WOULD WEAKEN THE BASIC WESTERN STANCE. IF HOWEVER IT IS CLEAR THAT NO AGREEMENT IS LIKELY THIS YEAR, WESTERN INTERESTS WOULD PROBABLY BEST BE SERVED BY PLAYING A MAINLY HOLDING GAME AT VIENNA, INDICATING FLEXIBILITY WHILE AVOIDING BEING DRAWN INTO COMMITTED POSITIONS."

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Concepts: AIDE MEMOIRE, NEGOTIATIONS, DBS, COMMUNICATION SATELLITES, TELEVISION BROADCASTING
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Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Executive Order: GS
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SAS ID: 2399573
Secure: OPEN
Status: NATIVE
Subject: BRITISH NOTE ON DIRECT BROADCAST SATELLITES DISCUSSIONS
TAGS: TSPA, ETEL, UK, UN
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/c7d7568b-c288-dd11-92da-001cc4696bcc
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